IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 37 OF 2005

IN

SUMMARY SUIT NO. 2650 OF 2004

Jayantilal Kewalramji Rawal .....Plffs.
vs.
Himanshu A. Shah .....Defnds.

M.D. Mali for the plaintiffs.

T.D. Joshi i./b. Daksha Shah for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 18th October, 2005.

P.C. :.

1. The suit is filed on the basis of receipt dated 30.8.2003 being Ex.A to the plaint. The defendants purports to have paid the amount in cash. In my opinion suit is not maintainable as summary suit. In view thereof unconditional leave to defend is granted to the defendants.

2. Suit is transferred to the list of Commercial

Causes. Written statement or points of defence to be filed four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes. Summons for judgment dismissed.

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